IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31214 of 2008
SK.HABIBUR RAHMAN & ORS
Versus
THE STATE OF BIHAR

2/ 30.07.2008 This application has been filed for modification of the order dated 11.07.2008 passed in Cr. Misc. No. 23797 of 2008 wherein it is indicated in paragraph-4 that petitioner no. 3 namely, Md. Matibur Rahman @ Md. Matiur Rahman had been taken into custody, and, as such, his prayer for anticipatory bail had become infructuous.

As a matter of fact, as contended, instead of petitioner no. 3 namely, Md. Matibur Rahman @ Md. Matiur Rahman, petitioner no. 2 namely, Md. Masabul Rahman @ Md. Mosabul Rahman @ Musibur Rahman was taken into custody but, he has been granted regular bail by the court below.

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In that context of the matter, anticipatory bail in respect of petitioner no. 2 Md. Masabul Rahman @ Md. Mosabul Rahman @ Musibur Rahman should have been considered to be infructuous.

The case of petitioner no. 3 Md. Matibur Rahman @ Md. Matiur Rahman being 'Vaisur' stands on the same footing to that of Md. Matibur Rahman, so, there is no requirement of interference in the order dated 11.07.2008, meaning thereby that the anticipatory bail granted to petitioner Md. Matibur Rahman @ Md. Matiur

Rahman and Bibi Nurshama shall remain in force.

The order dated 11.07.2008 is, thus, modified only to that extent.

Sanjeet **(Subash Chandra Jha, J.)**

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